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MONTANA CONSTITUTIONAL CONVENTION

1971-1972

REPORT OF COMMITTEE ON STYLE, DRAFTING, TRANSITION AND SUBMISSION

FINAL REPORT

Date Reported: March 22, 1972

John M. Schultzy, Chairman  
William S. Burkhardt, Vice Chairman



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FINAL REPORT  
COMMENTS ON STYLE, FORM, AND GRAMMAR

1. To consist with the change made by the Convention in proposal No. 12, GENERAL GOVERNMENT, the noun "branch" was substituted for "department" in:

Article V, section 11 (unicameral and bicameral)

Article VI, sections 1, 4, 5, 15

Article XIII, section 4.

2. To order material, the following provisions were moved as shown:

- (a) Salary commission -- from Article V, THE LEGISLATURE, section 5, subsection 2, to Article XIII, GENERAL PROVISIONS, section 4.
- (b) Prohibited payments -- from Article V, THE LEGISLATURE, section 16 (unicameral) section 15 (bicameral), to Article VIII, REVENUE AND FINANCE, section 14.
- (c) Code of ethics -- from Article V, THE LEGISLATURE, section 17 (unicameral) section 16 (bicameral), to Article XIII, GENERAL PROVISIONS, section 5.
- (d) Exemption laws -- from Article VII, THE JUDICIARY, section 12, to Article XIII, GENERAL PROVISIONS, section 6.
- (e) Perpetuities -- from Article VII, THE JUDICIARY, section 13, to Article XIII, GENERAL PROVISIONS, section 7.

3. To avoid repeating a sentence identical to that appearing as section 3 of Article X, EDUCATION AND PUBLIC LANDS, the first

sentence of subsection (2), section 13, Article VIII, REVENUE  
AND FINANCE, was deleted.

TO: Montana Constitutional Convention  
SUBJECT: FINAL REPORT

Ladies and Gentlemen:

The Committee on Style, Drafting, Transition, and Submission transmits its final report for consideration of the Convention.

Immediately following this letter you will find:

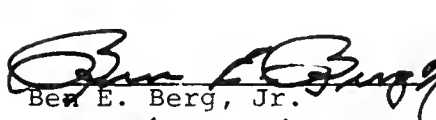





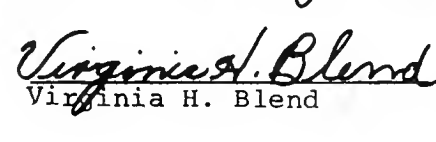


- (a) COMMENTS identifying changes in form or order.
- (b) The proposed Constitution.
- (c) Adoption Schedule.
- (d) Transition Schedule.
- (e) A proposed form of ballot.

The Committee wishes to thank Professor Gardner Cronwell, Consultant; Sandra Muckelston and Diana Dowling, Counsel; and Betty Nelson, staff secretary.

Sincerely,

  
John M. Schiltz, Chairman

  
William A. Burkhardt, Vice Chairman

 Ben E. Berg, Jr.	 J. C. Garlington	 Jerome T. Loendorf
 Chet Blaylock	 David L. Holland	 Richard B. Roeder
 Virginia H. Blend	 Robert Lee Kelleher	 Lucile Speer





PREAMBLE

1  
2 We the people of Montana grateful to God for the  
3 quiet beauty of our state, the grandeur of our mountains,  
4 the vastness of our rolling plains, and desiring to  
5 improve the quality of life, equality of opportunity and  
6 to secure the blessings of liberty for this and future  
7 generations do ordain and establish this constitution.  
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ARTICLE I

COMPACT WITH THE UNITED STATES

All provisions of the enabling act of Congress (approved February 22, 1889, 25 Stat. 676), as amended and of Ordinance No. 1, appended to the Constitution of the state of Montana and approved February 22, 1889, including the agreement and declaration that all lands owned or held by any Indian or Indian tribes shall remain under the absolute jurisdiction and control of the congress of the United States, continue in full force and effect until revoked by the consent of the United States and the people of Montana.

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ARTICLE II

DECLARATION OF RIGHTS

Section 1. POPULAR SOVEREIGNTY. All political power is vested in and derived from the people. All government of right originates with the people, is founded upon their will only, and is instituted solely for the good of the whole.

Section 2. SELF-GOVERNMENT. The people have the exclusive right of governing themselves as a free, sovereign, and independent state. They may alter or abolish the constitution and form of government whenever they deem it necessary.

Section 3. INALIENABLE RIGHTS. All persons are born free and have certain inalienable rights. They include the right to a clean and healthful environment and the rights of pursuing life's basic necessities, enjoying and defending their lives and liberties, acquiring, possessing and protecting property, and seeking their safety, health and happiness in all lawful ways. In enjoying these rights, all persons recognize corresponding responsibilities.

Section 4. INDIVIDUAL DIGNITY. The dignity of the human being is inviolable. No person shall be denied the

1 equal protection of the laws. Neither the state nor any  
2 person, firm, corporation, or institution shall discriminate  
3 against any person in the exercise of his civil or political  
4 rights on account of race, color, sex, culture, social origin  
5 or condition, or political or religious ideas.

6 Section 5. FREEDOM OF RELIGION. The state shall make  
7 no law respecting an establishment of religion or prohibiting  
8 the free exercise thereof.

9 Section 6. FREEDOM OF ASSEMBLY. The people shall have  
10 the right peaceably to assemble, petition for redress or  
11 peaceably protest governmental action.

12 Section 7. FREEDOM OF SPEECH, EXPRESSION, AND PRESS.  
13 No law shall be passed impairing the freedom of speech or  
14 expression. Every person shall be free to speak or publish  
15 whatever he will on any subject, being responsible for all  
16 abuse of that liberty. In all suits and prosecutions for  
17 libel or slander the truth thereof may be given in evidence;  
18 and the jury, under the direction of the court, shall  
19 determine the law and the facts.

20 Section 8. RIGHT OF PARTICIPATION. The public has the  
21 right to expect governmental agencies to afford such reason-  
22 able opportunity for citizen participation in the operation  
23 of the agencies prior to the final decision as may be  
24 provided by law.

25 Section 9. RIGHT TO KNOW. No person shall be deprived  
26 of the right to examine documents or to observe the  
27 deliberations of all public bodies or agencies of state  
28 government and its subdivisions, except in cases in which  
29 the demand of individual privacy clearly exceeds the  
30 merits of public disclosure.

1           Section 10. RIGHT OF PRIVACY. The right of individ-  
2 ual privacy is essential to the well-being of a free  
3 society and shall not be infringed without the showing of  
4 a compelling state interest.

5           Section 11. SEARCHES AND SEIZURES. The people shall  
6 be secure in their persons, papers, homes and effects from  
7 unreasonable searches and seizures. No warrant to search  
8 any place, or seize any person or thing shall issue with-  
9 out describing the place to be searched or the person or  
10 thing to be seized, or without probable cause, supported  
11 by oath or affirmation reduced to writing.

12           Section 12. RIGHT TO BEAR ARMS. The right of any  
13 person to keep or bear arms in defense of his own home,  
14 person, and property, or in aid of the civil power when  
15 thereto legally summoned, shall not be called in question,  
16 but nothing herein contained shall be held to permit the  
17 carrying of concealed weapons.

18           Section 13. RIGHT OF SUFFRAGE. All elections shall  
19 be free and open, and no power, civil or military, shall  
20 at any time interfere to prevent the free exercise of the  
21 right of suffrage.

22           Section 14. ADULT RIGHTS. A person 18 years of age  
23 or older is an adult for all purposes.

24           Section 15. RIGHTS OF PERSONS NOT ADULTS. The rights  
25 of persons under 18 years of age shall include, but not be  
26 limited to, all the fundamental rights of this article  
27 unless specifically precluded by laws which enhance the  
28 protection of such persons.

29           Section 16. THE ADMINISTRATION OF JUSTICE. Courts of  
30 justice shall be open to every person, and speedy remedy

1 afforded for every injury of person, property, or character.  
2 No person shall be deprived of this full legal redress for  
3 injury incurred in employment for which another person may  
4 be liable except as to fellow employees and his immediate  
5 employer who hired him if such immediate employer provides  
6 coverage under the Workmen's Compensation Laws of this  
7 state. Right and justice shall be administered without  
8 sale, denial, or delay.

9 Section 17. DUE PROCESS OF LAW. No person shall be  
10 deprived of life, liberty, or property without due process  
11 of law.

12 Section 18. STATE SUBJECT TO SUIT. The state, counties,  
13 cities, towns, and all other local governmental entities  
14 shall have no immunity from suit for injury to a person or  
15 property. This provision shall apply only to causes of action  
16 arising after July 1, 1973.

17 Section 19. HABEAS CORPUS. The privilege of the writ  
18 of habeas corpus shall never be suspended.

19 Section 20. INITIATION OF PROCEEDINGS. (1) Criminal  
20 offenses within the jurisdiction of any court inferior to the  
21 district court shall be prosecuted by complaint. All criminal  
22 actions in district court, except those on appeal, shall be  
23 prosecuted either by information, after examination and commit-  
24 ment by a magistrate or after leave granted by the court, or  
25 by indictment without such examination, commitment or leave.

26 (2) A grand jury shall consist of eleven persons,  
27 of whom eight must concur to find an indictment. A grand  
28 jury shall be drawn and summoned only at the discretion and  
29 order of the district judge.

30 Section 21. BAIL. All persons shall be bailable by

1 sufficient sureties, except for capital offenses, when  
2 the proof is evident or the presumption great.

3 Section 22. EXCESSIVE SANCTIONS. Excessive bail  
4 shall not be required, or excessive fines imposed, or  
5 cruel and unusual punishments inflicted.

6 Section 23. DETENTION. No person shall be imprisoned  
7 for the purpose of securing his testimony in any criminal  
8 proceeding longer than may be necessary in order to take  
9 his deposition. If he can give security for his appear-  
10 ance at the time of trial, he shall be discharged upon  
11 giving the same; if he cannot give security, his deposition  
12 shall be taken in the manner provided by law, and in the  
13 presence of the accused and his counsel, or without their  
14 presence, if they shall fail to attend the examination  
15 after reasonable notice of the time and place thereof.

16 Section 24. RIGHTS OF THE ACCUSED. In all criminal  
17 prosecutions the accused shall have the right to appear  
18 and defend in person and by counsel; to demand the nature  
19 and cause of the accusation; to meet the witnesses against  
20 him face to face; to have process to compel the attendance  
21 of witnesses in his behalf, and a speedy public trial by  
22 an impartial jury of the county or district in which  
23 the offense is alleged to have been committed, subject  
24 to the right of the state to have a change of venue for  
25 any of the causes for which the defendant may obtain the  
26 same.

27 Section 25. SELF-INCRIMINATION AND DOUBLE JEOPARDY.  
28 No person shall be compelled to testify against himself  
29 in a criminal proceeding. No person shall be again put  
30 in jeopardy for the same offense previously tried in any

jurisdiction.

Section 26. TRIAL BY JURY. The right of trial by jury is secured to all and shall remain inviolate. But upon default of appearance or by consent of the parties expressed in such manner as the law may provide, all cases may be tried without a jury or before fewer than the number of jurors provided by law. In all civil actions, two-thirds of the jury may render a verdict, and a verdict so rendered shall have the same force and effect as if all had concurred therein. In all criminal actions, the verdict shall be unanimous.

Section 27. IMPRISONMENT FOR DEBT. No person shall be imprisoned for debt except in the manner provided by law, upon refusal to deliver up his estate for the benefit of his creditors, or in cases of tort, where there is strong presumption of fraud.

Section 28. RIGHTS OF THE CONVICTED. Laws for the punishment of crime shall be founded on the principles of prevention and reformation. Full rights are restored by termination of state supervision for any offense against the state.

Section 29. EMINENT DOMAIN. Private property shall not be taken or damaged for public use without just compensation to the full extent of the loss having been first made to or paid into court for the owner. In the event of litigation, just compensation shall include necessary expenses of litigation to be awarded by the court when the private property owner prevails.

Section 30. TREASON AND DESCENT OF ESTATES. Treason against the state shall consist only in levying war against



1 it, or in adhering to its enemies, giving them aid and  
2 comfort; no person shall be convicted of treason except on  
3 the testimony of two witnesses to the same overt act, or  
4 on his confession in open court; no person shall be attaint-  
5 ed of treason or felony by the legislature; no conviction  
6 shall cause the loss of property to the relatives or heirs  
7 of the convicted. The estates of suicides shall descend or  
8 vest as in cases of natural death.

9 Section 31. EX POST FACTO, OBLIGATION OF CONTRACTS,  
10 AND IRREVOCABLE PRIVILEGES. No ex post facto law nor any  
11 law impairing the obligation of contracts, or making any  
12 irrevocable grant of special privileges, franchises, or  
13 immunities, shall be passed by the legislature.

14 Section 32. CIVILIAN CONTROL OF THE MILITARY. The  
15 military shall always be in strict subordination to the  
16 civil power; no soldier shall in time of peace be  
17 quartered in any house without the consent of the owner,  
18 nor in time of war, except in the manner provided by law.

19 Section 33. IMPORTATION OF ARMED PERSONS. No armed  
20 person or persons or armed body of men shall be brought  
21 into this state for the preservation of the peace, or the  
22 suppression of domestic violence, except upon the  
23 application of the legislature, or of the governor when  
24 the legislature cannot be convened.

25 Section 34. UNENUMERATED RIGHTS. The enumeration in  
26 this constitution of certain rights shall not be construed  
27 to deny, impair, or disparage others retained by the people.

28 Section 35. SERVICEMEN, SERVICEWOMEN, AND VETERANS.  
29 The people declare that Montana servicemen, servicewomen,  
30 and veterans may be given special considerations determined

by the legislature.

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ARTICLE III

GENERAL GOVERNMENT

Section 1. SEPARATION OF POWERS. The power of the government of this state is divided into three distinct branches--legislative, executive, and judicial. No person or persons charged with the exercise of power properly belonging to one branch shall exercise any power properly belonging to either of the others, except as in this constitution expressly directed or permitted.

Section 2. CONTINUITY OF GOVERNMENT. The seat of government shall be in Helena, except during periods of emergency resulting from disasters or enemy attack. The legislature may enact laws to insure the continuity of government during a period of emergency without regard for other provisions of the constitution. They shall be effective only during the period of emergency that affects a particular office or governmental operation.

Section 3. OATH OF OFFICE. Members of the legislature and all executive, ministerial and judicial officers, shall take and subscribe the following oath or affirmation, before they enter upon the duties of their offices: "I do solemnly swear (or affirm) that I will support, protect and defend the constitution of the United States, and the constitution of the state of Montana, and that I will discharge the duties of my office with fidelity (so help me God)." No other oath, declaration, or test shall be required as a qualification for any office or public trust.

Section 4. INITIATIVE. (1) The people may enact laws by initiative on all matters except appropriations

1 of money and local or special laws.

2 (2) Initiative petitions must contain the full  
3 text of the proposed measure, shall be signed by at least  
4 five percent of the qualified electors in each of at  
5 least one-third of the legislative representative districts  
6 and the total number of signers must be at least five per-  
7 cent of the total qualified electors of the state. Peti-  
8 tions shall be filed with the secretary of state at least  
9 three months prior to the election at which the measure  
10 will be voted upon.

11 (3) The sufficiency of the initiative petition shall  
12 not be questioned after the election is held.

13 Section 5. REFERENDUM. (1) The people may approve  
14 or reject by referendum any act of the legislature except  
15 an appropriation of money. A referendum shall be held  
16 either upon order by the legislature or upon petition  
17 signed by at least five percent of the qualified electors  
18 in each of at least one-third of the legislative represent-  
19 ative districts. The total number of signers must be at  
20 least five percent of the qualified electors of the state.  
21 A referendum petition shall be filed with the secretary of  
22 state no later than six months after adjournment of the  
23 legislature which passed the act.

24 (2) An act referred to the people is in effect until  
25 suspended by petitions signed by at least 15 percent of  
26 the qualified electors in a majority of the legislative  
27 representative districts. If so suspended the act shall  
28 become operative only after it is approved at an election,  
29 the result of which has been determined and declared as  
30 provided by law.

1       Section 6. ELECTIONS. The people shall vote on  
2 initiative and referendum measures at the general elec-  
3 tion unless the legislature orders a special election.

4       Section 7. NUMBER OF ELECTORS. The number of  
5 qualified electors required in each legislative repre-  
6 sentative district and in the state shall be determined  
7 by the number of votes cast for the office of governor  
8 in the preceding general election.

9       Section 8. PROHIBITION. The provisions of this  
10 Article do not apply to CONSTITUTIONAL REVISION, Article  
11 XIV.

12       Section 9. GAMBLING. All forms of gambling,  
13 lotteries, and gift enterprises are prohibited unless  
14 authorized by acts of the legislature or by the people  
15 through initiative or referendum.

16       Section 9. GAMBLING. All forms of gambling,  
17 lotteries, and gift enterprises are prohibited.

1 ARTICLE IV

2 SUFFRAGE AND ELECTIONS

3 Section 1. BALLOT. All elections by the people shall  
4 be by secret ballot.

5 Section 2. QUALIFIED ELECTOR. Any citizen of the  
6 United States 18 years of age or older who meets the  
7 registration and residence requirements provided by law  
8 is a qualified elector unless he is serving a sentence  
9 for a felony in a penal institution or is of unsound mind,  
10 as determined by a court.

11 Section 3. ELECTIONS. The legislature shall provide  
12 by law the requirements for residence, registration, absentee  
13 voting, and administration of elections. It may provide for  
14 a system of poll booth registration, and shall insure the  
15 purity of elections and guard against abuses of the  
16 electoral process.

17 Section 4. ELIGIBILITY FOR PUBLIC OFFICE. Any  
18 qualified elector is eligible to any public office except as  
19 otherwise provided in this constitution. The legislature  
20 may provide additional qualifications but no person  
21 convicted of a felony shall be eligible to hold office  
22 until his final discharge from state supervision.

23 Section 5. RESULT OF ELECTIONS. In all elections  
24 held by the people, the person or persons receiving the  
25 largest number of votes shall be declared elected.

26 Section 6. PRIVILEGE FROM ARREST. A qualified  
27 elector is privileged from arrest at polling places and  
28 in going to and returning therefrom, unless apprehended in  
29 the commission of a felony or a breach of the peace.  
30

1 ARTICLE V

2 THE LEGISLATURE

3 Section 1. POWER AND STRUCTURE. The legislative  
4 power is vested in a legislature of one chamber whose  
5 members are designated senators. The people reserve to  
6 themselves the powers of initiative and referendum.

7 Section 2. SIZE. The number of senators shall be  
8 provided by law, but it shall not be smaller than 90  
9 nor larger than 105.

10 Section 3. ELECTION AND TERMS. A senator shall  
11 be elected for a term of four years to begin on a date  
12 provided by law. One-half of the senators shall be  
13 elected every two years.

14 Section 4. QUALIFICATIONS. A candidate for the  
15 legislature shall be a resident of the state for at  
16 least one year next preceding the general election.  
17 For six months next preceding the general election,  
18 he shall be a resident of the county if it contains  
19 one or more districts or of the district if it contains  
20 all or parts of more than one county.

21 Section 5. COMPENSATION. Each member of the  
22 legislature shall receive compensation for his services  
23 and allowances provided by law. No legislature may fix  
24 its own compensation.

25 Section 6. SESSIONS. The legislature shall be a  
26 continuous body for two-year periods beginning when newly  
27 elected members take office. Any business, bill, or  
28 resolution pending at adjournment of a session shall carry  
29 over with the same status to any other session of the  
30 legislature during the biennium. The legislature shall meet

1 at least once a year in regular sessions of not more than 60  
2 legislative days. Any legislature may increase the limit on  
3 the length of any subsequent session. The legislature may  
4 be convened in special sessions by the governor or at the  
5 written request of a majority of the members.

6 Section 7. VACANCIES. A vacancy in the legislature  
7 shall be filled by special election for the unexpired term  
8 unless otherwise provided by law.

9 Section 8. IMMUNITY. A member of the legislature  
10 is privileged from arrest during attendance at sessions of  
11 the legislature and in going to and returning therefrom,  
12 unless apprehended in the commission of a felony or a breach  
13 of the peace. He shall not be questioned in any other place  
14 for any speech or debate in the legislature.

15 Section 9. DISQUALIFICATION. No member of the legis-  
16 lature shall, during the term for which he shall have been  
17 elected, be appointed to any civil office under the state;  
18 and no member of congress, or other person holding an office  
19 (except notary public, or in the militia) under the United  
20 States or this state, shall be a member of the legislature  
21 during his continuance in office.

22 Section 10. ORGANIZATION AND PROCEDURE. (1) The  
23 legislature shall judge the election and qualifications of  
24 senators. It may by law vest in the courts the power to  
25 try and determine contested elections. It shall choose  
26 its officers from among its members, keep a journal, and make  
27 rules for its proceedings. It may expel or punish a senator  
28 for good cause shown with the concurrence of two-thirds of  
29 all the senators.

30 (2) A majority of the senators constitutes a quorum.



1 A smaller number may adjourn from day to day and compel  
2 attendance of absent members.

3 (3) The sessions of the legislature and of the committee  
4 of the whole, all committee meetings, and all hearings shall  
5 be open to the public.

6 (4) The legislature may establish a legislative council  
7 and other interim committees. The legislature shall establish  
8 a legislative post-audit committee which shall supervise  
9 post-auditing duties provided by law.

10 Section 11. BILLS. (1) A law shall be passed by bill  
11 which shall not be so altered or amended on its passage through  
12 the legislature as to change its original purpose. No bill  
13 shall become law except by a vote of the majority of all  
14 members present and voting.

15 (2) Every vote of each member on each substantive ques-  
16 tion in the legislature, in any committee, or in committee of  
17 the whole shall be recorded and made public. On final passage,  
18 the vote shall be taken by ayes and noes and the names entered  
19 on the journal.

20 (3) Each bill, except general appropriation bills and  
21 bills for the codification and general revision of the laws,  
22 shall contain only one subject, clearly expressed in its title.  
23 If any subject is embraced in any act and is not expressed in  
24 the title, only so much of the act not so expressed is void.

25 (4) A general appropriation bill shall contain only  
26 appropriations for the ordinary expenses of the legislative,  
27 executive, and judicial branches, for interest on the public  
28 debt, and for public schools. Every other appropriation shall  
29 be made by a separate bill containing but one subject.

30 (5) No appropriation shall be made for religious, charitable,

1 industrial, educational, or benevolent purposes to any  
2 private individual, private association, or private cor-  
3 poration not under control of the state.

4 (6) A law may be challenged on the ground of non-  
5 compliance with this section only within two years after  
6 its effective date.

7 Section 12. LOCAL AND SPECIAL LEGISLATION. The  
8 legislature shall not pass a special or local act when a  
9 general act is, or can be made, applicable.

10 Section 13. IMPEACHMENT. (1) The governor, executive  
11 officers, heads of state departments, judicial officers, and  
12 such other officers as may be provided by law are subject to  
13 impeachment, and upon conviction shall be removed from office.  
14 Other proceedings for removal from public office for cause  
15 may be provided by law.

16 (2) The legislature shall provide for the manner,  
17 procedure, and causes for impeachment and shall provide for  
18 a tribunal.

19 (3) Impeachment can be brought only by a two-thirds  
20 vote of the legislature. The tribunal hearing the charges  
21 shall convict only by a vote of two-thirds or more of its  
22 members.

23 (4) Conviction shall extend only to removal from office,  
24 but the party, whether convicted or acquitted, shall also be  
25 liable to prosecution according to law.

26 Section 14. DISTRICTING AND APPORTIONMENT. (1) The  
27 state shall be divided into as many districts as there are  
28 senators and each district shall elect one senator. Each  
29 district shall consist of compact and contiguous territory.  
30 All districts shall be as nearly equal in population as is

1 practicable.

2 (2) In the legislative session following ratification  
3 of this constitution and thereafter in each session preceding  
4 each federal population census, a commission of five citizens,  
5 none of whom may be public officials, shall be selected to  
6 prepare a plan for redistricting and reapportioning the  
7 state into legislative and congressional districts. The  
8 majority and minority leaders of the legislature shall each  
9 select two commissioners. Within 20 days after their designa-  
10 tion, the four commissioners shall select the fifth member,  
11 who shall serve as chairman of the commission. If the four  
12 members fail to select the fifth member within the time pro-  
13 vided, a majority of the supreme court shall select him.

14 (3) The commission shall submit its plan to the legis-  
15 lature at the first regular session after its appointment or  
16 after the census figures are available. Within 30 days after  
17 submission, the legislature shall return the plan to the  
18 commission with its recommendations. Within 30 days there-  
19 after, the commission shall file its final plan with the  
20 secretary of state and it shall become law. The commission  
21 is then dissolved.

22 Section 15. REFERENDUM OF UNICAMERAL LEGISLATURE. (1)  
23 In 1980 the secretary of state shall place upon the ballot at  
24 the general election the question: "Shall the unicameral  
25 legislature form be continued?"

26 (2) If a majority of the qualified electors voting on  
27 the question answer in the affirmative, the form shall be  
28 continued, and this section shall be of no further effect.

29 (3) If a majority of the qualified electors voting on  
30 the question answer in the negative, Article V of this

1 Constitution is amended by deleting sections 1, 2, 3, 10, 13,  
2 and 14, and inserting in lieu thereof the following:

3 (a) "Section 1. POWER AND STRUCTURE. The legisla-  
4 tive power is vested in a legislature consisting of a senate  
5 and a house of representatives. The people reserve to them-  
6 selves the powers of initiative and referendum."

7 (b) "Section 2. SIZE. The size of the legislature  
8 shall be provided by law, but the senate shall not have more  
9 than 50 or fewer than 40 members and the house shall not  
10 have more than 100 or fewer than 80 members."

11 (c) "Section 3. ELECTION AND TERMS. A member of the  
12 house of representatives shall be elected for a term of two  
13 years and a member of the senate for a term of four years,  
14 each to begin on a date provided by law. One-half of the  
15 senators shall be elected every two years."

16 (d) "Section 10. ORGANIZATION AND PROCEDURE. (1)  
17 Each house shall judge the election and qualifications of its  
18 members. It may by law vest in the courts the power to try  
19 and determine contested elections. Each house shall choose  
20 its officers from among its members, keep a journal, and  
21 make rules for its proceedings. Each house may expel or  
22 punish a member for good cause shown with the concurrence of  
23 two-thirds of all its members.

24 "(2) A majority of each house constitutes a quorum. A  
25 smaller number may adjourn from day to day and compel attendance  
26 of absent members.

27 "(3) The sessions of the legislature and of the committee  
28 of the whole, all committee meetings, and all hearings shall  
29 be open to the public.

30 "(4) The legislature may establish a legislative council

1 and other interim committees. The legislature shall establish  
2 a legislative post-audit committee which shall supervise post-  
3 auditing duties provided by law.

4 "(5) Neither house shall, without the consent of the  
5 other, adjourn or recess for more than three days or to  
6 any place other than that in which the two houses are  
7 sitting."

8 (e) "Section 13. IMPEACHMENT. (1) The governor,  
9 executive officers, heads of state departments, judicial  
10 officers, and such other officers as may be provided by law  
11 are subject to impeachment, and upon conviction shall be  
12 removed from office. Other proceedings for removal from  
13 public office for cause may be provided by law.

14 "(2) The legislature shall provide for the manner, pro-  
15 cedure and causes for impeachment and may select the senate  
16 as tribunal.

17 "(3) Impeachment shall be brought only by a two-thirds  
18 vote of the house. The tribunal hearing the charges shall  
19 convict only by a vote of two-thirds or more of its members.

20 "(4) Conviction shall extend only to removal from  
21 office, but the party, whether convicted or acquitted,  
22 shall also be liable to prosecution according to law."

23 (f) "Section 14. DISTRICTING AND APPORTIONMENT. (1)  
24 The state shall be divided into as many districts as there  
25 are members of the house, and each district shall elect one  
26 representative. Each senate district shall be composed of  
27 two adjoining house districts, and shall elect one senator.  
28 Each district shall consist of compact and contiguous  
29 territory. All districts shall be as nearly equal in popula-  
30 tion as is practicable.

1       "(2) In the legislative session following this amend-  
2 ment and thereafter in each session preceding each federal  
3 population census, a commission of five citizens, none of  
4 whom may be public officials, shall be selected to prepare  
5 a plan for redistricting and reapportioning the state into  
6 legislative and congressional districts. The majority and  
7 minority leaders of each house shall each designate one  
8 commissioner. Within 20 days after their designation, the  
9 four commissioners shall select the fifth member, who shall  
10 serve as chairman of the commission. If the four members  
11 fail to select the fifth member within the time provided,  
12 a majority of the supreme court shall select him.

13       "(3) The commission shall submit its plan to the  
14 legislature at the first regular session after its appoint-  
15 ment or after the census figures are available. Within 30  
16 days after submission, the legislature shall return the  
17 plan to the commission with its recommendations. Within  
18 30 days thereafter, the commission shall file its final  
19 plan with the secretary of state and it shall become law.  
20 The commission is then dissolved."

21       "(4) The members of the unicameral legislature shall  
22 remain in office and their authority to act shall continue  
23 until the members of a bicameral body are elected and  
24 qualified.

25       "(5) The Senate chamber existing upon the date of  
26 adoption of this Article shall remain intact until the  
27 election provided for in this section has determined whether  
28 the unicameral legislature is to continue.

29       "(6) When the provisions of this section have been  
30 carried out, it shall be of no further effect.

ARTICLE V

THE LEGISLATURE

Section 1. POWER AND STRUCTURE. The legislative power is vested in a legislature consisting of a senate and a house of representatives. The people reserve to themselves the powers of initiative and referendum.

Section 2. SIZE. The size of the legislature shall be provided by law, but the senate shall not have more than 50 or fewer than 40 members and the house shall not have more than 100 or fewer than 80 members.

Section 3. ELECTION AND TERMS. A member of the house of representatives shall be elected for a term of two years and a member of the senate for a term of four years each to begin on a date provided by law. One-half of the senators shall be elected every two years.

Section 4. QUALIFICATIONS. A candidate for the legislature shall be a resident of the state for at least one year next preceding the general election. For six months next preceding the general election, he shall be a resident of the county if it contains one or more districts or of the district if it contains all or parts of more than one county.

Section 5. COMPENSATION. Each member of the legislature shall receive compensation for his services and allowances provided by law. No legislature may fix its own compensation.

Section 6. SESSIONS. The legislature shall be a continuous body for two-year periods beginning when newly elected members take office. Any business, bill, or resolution pending at adjournment of a session shall carry

1 over with the same status to any other session of the legis-  
2 lature during the biennium. The legislature shall meet at  
3 least once a year in regular session of not more than 60  
4 legislative days. Any legislature may increase the limit on  
5 the length of any subsequent session. The legislature  
6 may be convened in special sessions by the governor or  
7 at the written request of a majority of the members.

8 Section 7. VACANCIES. A vacancy in the legislature  
9 shall be filled by special election for the unexpired term  
10 unless otherwise provided by law.

11 Section 8. IMMUNITY. A member of the legislature is  
12 privileged from arrest during attendance at session of the  
13 legislature and in going to and returning therefrom, unless  
14 apprehended in the commission of a felony or a breach of  
15 the peace. He shall not be questioned in any other place  
16 for any speech or debate in the legislature.

17 Section 9. DISQUALIFICATION. No member of the legis-  
18 lature shall, during the term for which he shall have been  
19 elected, be appointed to any civil office under the state;  
20 and no member of congress, or other person holding an  
21 office (except notary public, or the militia) under the  
22 United States or this state, shall be a member of the  
23 legislature during his continuance in office.

24 Section 10. ORGANIZATION AND PROCEDURE. (1) Each  
25 house shall judge the election and qualifications of its  
26 members. It may be law vest in the courts the power to  
27 try and determine contested elections. Each house shall  
28 choose its officers from among its members, keep a  
29 journal, and make rules for its proceedings. Each house  
30 may expel or punish a member for good cause shown with



1 the concurrence of two-thirds of all its members.

2 (2) A majority of each house constitutes a quorum.  
3 A smaller number may adjourn from day to day and compel  
4 attendance of absent members.

5 (3) The sessions of the legislature and of the  
6 committee of the whole, all committee meetings, and all  
7 hearings shall be open to the public.

8 (4) The legislature may establish a legislative  
9 council and other interim committees. The legislature  
10 shall establish a legislative post-audit committee which  
11 shall supervise post-auditing duties provided by law.

12 (5) Neither house shall, without the consent of the  
13 other, adjourn or recess for more than three days or to  
14 any place other than that in which the two houses are  
15 sitting.

16 Section 11. BILLS. (1) A law shall be passed by  
17 bill which shall not be so altered or amended on its  
18 passage through the legislature as to change its original  
19 purpose. No bill shall become law except by a vote of  
20 the majority of all members present and voting.

21 (2) Every vote of each member of the legislature on  
22 each substantive question in the legislature, in any com-  
23 mittee, or in committee of the whole shall be recorded  
24 and made public. On final passage, the vote shall be  
25 taken by ayes and noes and the names entered on the  
26 journal.

27 (3) Each bill, except general appropriation bills  
28 and bills for the codification and general revision of  
29 the laws, shall contain only one subject, clearly express-  
30 ed in its title. If any subject is embraced in any act

1 and is not expressed in the title, only so much of the act  
2 not so expressed is void.

3 (4) A general appropriation bill shall contain only  
4 appropriations for the ordinary expenses of the legisla-  
5 tive, executive, and judicial branches, for interest on  
6 the public debt, and for public schools. Every other  
7 appropriation shall be made by a separate bill, containing  
8 but one subject.

9 (5) No appropriation shall be made for religious,  
10 charitable, industrial, educational, or benevolent pur-  
11 poses to any private individual, private association, or  
12 private corporation not under control of the state.

13 (6) A law may be challenged on the ground of non-  
14 compliance with this section only within two years after  
15 its effective date.

16 Section 12. LOCAL AND SPECIAL LEGISLATION. The  
17 legislature shall not pass a special or local act when a  
18 general act is, or can be made, applicable.

19 Section 13. IMPEACHMENT. (1) The governor, execu-  
20 tive officers, heads of state departments, judicial  
21 officers, and such other officers as may be provided by  
22 law are subject to impeachment, and upon conviction shall  
23 be removed from office. Other proceedings for removal  
24 from public office for cause may be provided by law.

25 (2) The legislature shall provide for the manner,  
26 procedure, and causes for impeachment and may select the  
27 senate as tribunal.

28 (3) Impeachment shall be brought only by a two-thirds  
29 vote of the house. The tribunal hearing the charges shall  
30 convict only by a vote of two-thirds or more of its members.

1           (4) Conviction shall extend only to removal from  
2 office, but the party, whether convicted or acquitted, shall  
3 also be liable to prosecution according to law.

4           Section 14. DISTRICTING AND APPORTIONMENT. (1) The  
5 members of the house, and each district shall elect one  
6 representative. Each senate district shall be composed of  
7 two adjoining house districts, and shall elect one senator.  
8 Each district shall consist of compact and contiguous terri-  
9 tory. All districts shall be as nearly equal in population  
10 as is practicable.

11           (2) In the legislative session following ratification  
12 of this constitution and thereafter in each session preced-  
13 ing each federal population census, a commission of five  
14 citizens, none of whom may be public officials, shall be  
15 selected to prepare a plan for redistricting and reapportion-  
16 ing the state into legislative and congressional districts.  
17 The majority and minority leaders of each house shall each  
18 designate one commissioner. Within 20 days after their  
19 designation, the four commissioners shall select the fifth  
20 member, who shall serve as chairman of the commission. If  
21 the four members fail to select the fifth member within the  
22 time prescribed, a majority of the supreme court shall  
23 select him.

24           (3) The commission shall submit its plan to the leg-  
25 islature at the first regular session after its appointment  
26 or after the census figures are available. Within 30 days  
27 after submission, the legislature shall return the plan to  
28 the commission with its recommendations. Within 30 days  
29 thereafter, the commission shall file its final plan with  
30 the secretary of state and it shall become law. The

1 commission is then dissolved.

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ARTICLE VI

THE EXECUTIVE

Section 1. OFFICERS. (1) The executive branch includes a governor, lieutenant governor, secretary of state, attorney general, superintendent of public instruction, and auditor.

(2) Each holds office for a term of four years which begins on the first Monday of January next succeeding election, and until a successor is elected and qualified.

(3) Each shall reside at the seat of government, there keep the public records of his office, and perform such other duties as are provided in this constitution and by law.

Section 2. ELECTION. (1) The governor, lieutenant governor, secretary of state, attorney general, superintendent of public instruction, and auditor shall be elected by the qualified electors at a general election provided by law.

(2) Each candidate for governor shall file jointly with a candidate for lieutenant governor in primary elections, or so otherwise comply with nomination procedures provided by law that the offices of governor and lieutenant governor are voted upon together in primary and general elections.

Section 3. QUALIFICATIONS. (1) No person shall be eligible to the office of governor, lieutenant governor, secretary of state, attorney general, superintendent of public instruction, or auditor unless he is 25 years of age or older at the time of his election. In addition, each shall be a citizen of the United States who has resided within the state two years next preceding his election.

(2) Any person with the foregoing qualifications is eligible to the office of attorney general if an attorney in

1 good standing admitted to practice law in Montana who has  
2 engaged in the active practice thereof for at least five years  
3 before election.

4 (3) The superintendent of public instruction shall have  
5 such educational qualifications as are provided by law.

6 Section 4. DUTIES. (1) The executive power is vested  
7 in the governor who shall see that the laws are faithfully  
8 executed. He shall have such other duties as are provided  
9 in this constitution and by law.

10 (2) The lieutenant governor shall perform the duties pro-  
11 vided by law and those delegated to him by the governor. No  
12 power specifically vested in the governor by this constitution  
13 may be delegated to the lieutenant governor.

14 (3) The secretary of state shall maintain official records  
15 of the executive branch and of the acts of the legislature,  
16 as provided by law. He shall keep the great seal of the state  
17 of Montana and perform any other duties provided by law.

18 (4) The attorney general is the legal officer of the state  
19 and shall have the duties and powers provided by law.

20 (5) The superintendent of public instruction and the  
21 auditor shall have such duties as are provided by law.

22 Section 5. COMPENSATION. (1) Officers of the executive  
23 branch shall receive salaries provided by law.

24 (2) During his term, no elected officer of the executive  
25 branch may hold another public office or receive compensa-  
26 tion for services from any other governmental agency. He may  
27 be a candidate for any public office during his term.

28 Section 6. VACANCY IN OFFICE. (1) If the office of  
29 lieutenant governor becomes vacant by his succession to the  
30 office of governor, or by his death, resignation, or disability

1 as determined by law, the governor shall appoint a qualified  
2 person to serve in that office for the remainder of the term.  
3 If both the elected governor and the elected lieutenant  
4 governor become unable to serve in the office of governor,  
5 succession to the respective offices shall be as provided by  
6 law for the period until the next general election. Then,  
7 a governor and lieutenant governor shall be elected to fill  
8 the remainder of the original term.

9 (2) If the office of secretary of state, attorney general,  
10 auditor, or superintendent of public instruction becomes vacant  
11 by death, resignation, or disability as determined by law, the  
12 governor shall appoint a qualified person to serve in that  
13 office until the next general election and until a successor is  
14 elected and qualified. The person elected to fill a vacancy  
15 shall hold the office until the expiration of the term for which  
16 his predecessor was elected.

17 Section 7. 20 DEPARTMENTS. All executive and adminis-  
18 trative offices, boards, bureaus, commissions, agencies and  
19 instrumentalities of the executive branch (except for the  
20 office of governor, lieutenant governor, secretary of state,  
21 attorney general, superintendent of public instruction, and  
22 auditor) and their respective functions, powers, and duties,  
23 shall be allocated by law among not more than 20 principal  
24 departments so as to provide an orderly arrangement in the  
25 administrative organization of state government. Temporary  
26 commissions may be established by law and need not be  
27 allocated within a department.

28 Section 8. APPOINTING POWER. (1) The departments pro-  
29 vided for in section 7 shall be under the supervision of the  
30 governor. Except as otherwise provided in this constitution

1 or by law, each department shall be headed by a single execu-  
2 tive appointed by the governor subject to confirmation by the  
3 senate to hold office until the end of the governor's term  
4 unless sooner removed by the governor.

5 (2) The governor shall appoint, subject to confirmation  
6 by the senate, all officers provided for in this constitution  
7 or by law whose appointment or election is not otherwise pro-  
8 vided for. They shall hold office until the end of the  
9 governor's term unless sooner removed by the governor.

10 (3) If a vacancy occurs in any such office when the  
11 legislature is not in session, the governor shall appoint a  
12 qualified person to discharge the duties thereof until the  
13 office is filled by appointment and confirmation.

14 (4) A person not confirmed by the senate for an office  
15 shall not, except at its request, be nominated again for that  
16 office at the same session, or be appointed to that office  
17 when the legislature is not in session.

18 Section 9. BUDGET AND MESSAGES. The governor shall at  
19 the beginning of each legislative session, and may at other  
20 times, give the legislature information and recommend measures  
21 he considers necessary. The governor shall submit to the  
22 legislature at a time fixed by law, a budget for the ensuing  
23 fiscal period setting forth in detail for all operating funds  
24 the proposed expenditures and estimated revenue of the state.

25 Section 10. VETO POWER. (1) Each bill passed by the  
26 legislature, except bills proposing amendments to the Montana  
27 constitution, bills ratifying proposed amendments to the  
28 United States constitution, resolutions, and initiative and  
29 referendum measures, shall be submitted to the governor for  
30 his signature. If he does not sign or veto the bill within



1 five days after its delivery to him if the legislature is in  
2 session or within 25 days if the legislature is adjourned,  
3 it shall become law. The governor shall return a vetoed bill  
4 to the legislature with a statement of his reasons therefor.

5 (2) The governor may return any bill to the legislature  
6 with his recommendation for amendment. If the legislature  
7 passes the bill in accordance with the governor's recommendation,  
8 it shall again return the bill to the governor for his recon-  
9 sideration. The governor shall not return a bill for amendment  
10 a second time.

11 (3) If after receipt of a veto message, two-thirds of  
12 the members present approve the bill, it shall become law.

13 (4) If the legislature is not in session when the  
14 governor vetoes a bill, he shall return the bill with his  
15 reasons therefor to the legislature as provided by law. The  
16 legislature may reconvene to reconsider any bill so vetoed.

17 (5) The governor may veto items in appropriation bills,  
18 and in such instances the procedure shall be the same as upon  
19 veto of an entire bill.

20 Section 11. SPECIAL SESSION. Whenever the governor  
21 considers it in the public interest, he may convene the legis-  
22 lature.

23 Section 12. PARDONS. The governor may grant reprieves,  
24 commutations and pardons, restore citizenship, and suspend  
25 and remit fines and forfeitures subject to procedures  
26 provided by law.

27 Section 13. MILITIA. (1) The governor is commander-  
28 in-chief of the militia forces of the state, except when they  
29 are in the actual service of the United States. He may call  
30 out any part or all of the forces to aid in the execution of

1 the laws, suppress insurrection, repel invasion, or protect  
2 life and property in natural disasters.

3 (2) The militia forces shall consist of all able-bodied  
4 citizens of the state except those exempted by law.

5 Section 14. SUCCESSION. (1) If the governor-elect is  
6 disqualified or dies, the lieutenant governor-elect upon  
7 qualifying for the office shall become governor for the full  
8 term. If the governor-elect fails to assume office for any  
9 other reason, the lieutenant governor-elect upon qualifying  
10 as such shall serve as acting governor until the governor-  
11 elect is able to assume office, or until the office becomes  
12 vacant.

13 (2) The lieutenant governor shall serve as acting  
14 governor when so requested in writing by the governor. After  
15 the governor has been absent from the state for more than 45  
16 consecutive days, the lieutenant governor shall serve as  
17 acting governor.

18 (3) He shall serve as acting governor when the  
19 governor is so disabled as to be unable to communicate to  
20 the lieutenant governor the fact of his inability to perform  
21 the duties of his office. The lieutenant governor shall  
22 continue to serve as acting governor until the governor is  
23 able to resume the duties of his office.

24 (4) Whenever, at any other time, the lieutenant governor  
25 and attorney general transmit to the legislature their  
26 written declaration that the governor is unable to discharge  
27 the powers and duties of his office, the legislature shall  
28 convene to determine whether he is able to do so.

29 (5) If the legislature, within 21 days after convening,  
30 determines by two-thirds vote of its members that the

1 governor is unable to discharge the powers and duties of  
2 his office, the lieutenant governor shall serve as acting  
3 governor. Thereafter, when the governor transmits to the  
4 legislature his written declaration that no inability exists,  
5 he shall resume the powers and duties of his office within 15  
6 days, unless the legislature determines otherwise by two-  
7 thirds vote of its members. If the legislature so determines,  
8 the lieutenant governor shall continue to serve as acting  
9 governor.

10 (6) If the office of governor becomes vacant by reason  
11 of death, resignation, or disqualification, the lieutenant  
12 governor shall become governor for the remainder of the term,  
13 except as provided in this constitution.

14 (7) Additional succession to fill vacancies shall be  
15 provided by law.

16 (8) When there is a vacancy in the office of governor,  
17 the successor shall be the governor. The acting governor  
18 shall have the powers and duties of the office of governor  
19 only for the period during which he serves.

20 Section 15. INFORMATION FOR GOVERNOR. (1) The governor  
21 may require information in writing, under oath when required,  
22 from the officers of the executive branch upon any subject  
23 relating to the duties of their respective offices.

24 (2) He may require information in writing, under oath,  
25 from all officers and managers of state institutions.

26 (3) He may appoint a committee to investigate and  
27 report to him upon the condition of any executive office  
28 or state institution.  
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1 ARTICLE VII

2 THE JUDICIARY

3 Section 1. JUDICIAL POWER. The judicial power of the  
4 state is vested in one supreme court, district courts,  
5 justice courts, and such other courts as may be provided  
6 by law.

7 Section 2. SUPREME COURT JURISDICTION. (1) The  
8 supreme court has appellate jurisdiction and may issue,  
9 hear, and determine writs appropriate thereto. It has  
10 original jurisdiction to issue, hear, and determine writs  
11 of habeas corpus and such other writs as may be provided  
12 by law.

13 (2) It has general supervisory control over all other  
14 courts.

15 (3) It may make rules governing appellate procedure,  
16 practice and procedure for all other courts, admission to  
17 the bar and the conduct of its members. Rules of procedure  
18 shall be subject to disapproval by the legislature in either  
19 of the two sessions following promulgation.

20 (4) Supreme court process shall extend to all parts of  
21 the state.

22 Section 3. SUPREME COURT ORGANIZATION. (1) The supreme  
23 court consists of one chief justice and four justices, but the  
24 legislature may increase the number of justices from four to  
25 six. A majority shall join in and pronounce decisions, which  
26 must be in writing.

27 (2) A district judge shall be substituted for the chief  
28 justice or a justice in the event of disqualification or  
29 disability, and the opinion of the district judge sitting  
30 with the supreme court shall have the same effect as an

1 opinion of a justice.

2 Section 4. DISTRICT COURT JURISDICTION. (1) The  
3 district court has original jurisdiction in all criminal  
4 cases amounting to felony and all civil matters and cases  
5 at law and in equity. It may issue all writs appropriate  
6 to its jurisdiction. It shall have the power of natural-  
7 ization and such additional jurisdiction as may be dele-  
8 gated by the laws of the United States or the state of  
9 Montana. Its process shall extend to all parts of the  
10 state.

11 (2) The district court shall hear appeals from inferior  
12 courts as trials anew unless otherwise provided by law. The  
13 legislature may provide for direct review by the district  
14 court of decisions of administrative agencies.

15 (3) Other courts may have jurisdiction of criminal  
16 cases not amounting to felony and such jurisdiction con-  
17 current with that of the district court as may be provided  
18 by law.

19 Section 5. JUSTICES OF THE PEACE. (1) There shall be  
20 elected in each county at least one justice of the peace  
21 with qualifications, training, and monthly compensation  
22 provided by law. There shall be provided such facilities  
23 that they may perform their duties in dignified surroundings.

24 (2) Justice courts shall have such original jurisdic-  
25 tion as may be provided by law. They shall not have trial  
26 jurisdiction in any criminal case designated a felony except  
27 as examining courts.

28 (3) The legislature may provide for additional justices  
29 of the peace in each county.

30 Section 6. JUDICIAL DISTRICTS. (1) The legislature

1 shall divide the state into judicial districts and provide  
2 for the number of judges in each district. Each district shall  
3 be formed of compact territory and be bounded by county lines.

4 (2) The legislature may change the number and boundaries  
5 of judicial districts and the number of judges in each dis-  
6 trict, but no change in boundaries or the number of districts  
7 or judges therein shall work a removal of any judge from  
8 office during the term for which he was elected or appointed.

9 (3) The chief justice may, upon request of the district  
10 judge, assign district judges and other judges for temporary  
11 service from one district to another, and from one county to  
12 another.

13 Section 7. TERMS AND PAY. (1) All justices and judges  
14 shall be paid as provided by law, but salaries shall not be  
15 diminished during terms of office.

16 (2) Terms of office shall be eight years for supreme  
17 court justices, six years for district court judges, four  
18 years for justices of the peace, and as provided by law  
19 for other judges.

20 Section 8. SELECTION. (1) The governor shall nominate  
21 a replacement from nominees selected in the manner provided  
22 by law for any vacancy in the office of supreme court justice  
23 or district court judge. If the governor fails to nominate  
24 within thirty days after receipt of nominees, the chief  
25 justice or acting chief justice shall make the nomination.  
26 Each nomination shall be confirmed by the senate, but a  
27 nomination made while the senate is not in session shall be  
28 effective as an appointment until the end of the next  
29 session. If the nomination is not confirmed, the office  
30 shall be vacant and another selection and nomination shall

1 be made.

2 (2) If, at the first election after senate con-  
3 firmation, and at the election before each succeeding  
4 term of office, any candidate other than the incumbent  
5 justice or district judge files for election to that  
6 office, the name of the incumbent shall be placed on  
7 the ballot. If there is no election contest for the  
8 office, the name of the incumbent shall nevertheless  
9 be placed on the general election ballot to allow  
10 voters of the state or district to approve or reject  
11 him. If an incumbent is rejected, another selection  
12 and nomination shall be made.

13 (3) If an incumbent does not run, there shall be  
14 an election for the office.

15 Section 9. QUALIFICATIONS. (1) A citizen of the  
16 United States who has resided in the state two years  
17 immediately before taking office is eligible to the office  
18 of supreme court justice or district court judge if admitted  
19 to the practice of law in Montana for at least five years prior  
20 to the date of appointment or election. Qualifications and  
21 methods of selection of judges of other courts shall be  
22 provided by law.

23 (2) No supreme court justice or district court judge  
24 shall solicit or receive compensation in any form whatever on  
25 account of his office, except salary and actual necessary  
26 travel expense.

27 (3) Except as otherwise provided in this constitution,  
28 no supreme court justice or district court judge shall  
29 practice law during his term of office, engage in any other  
30 employment for which salary or fee is paid, or hold office

1 in a political party.

2 (4) Supreme court justices shall reside within the  
3 state. Every other judge shall reside during his term of  
4 office in the district, county, township, precinct, city  
5 or town in which he is elected or appointed.

6 Section 10. FORFEITURE OF JUDICIAL POSITION. Any  
7 holder of a judicial position forfeits that position by  
8 either filing for an elective public office other than a  
9 judicial position or absenting himself from the state for  
10 more than 60 consecutive days.

11 Section 11. REMOVAL AND DISCIPLINE. (1) The legis-  
12 lature shall create a judicial standards commission con-  
13 sisting of five persons and provide for the appointment  
14 thereto of two district judges, one attorney, and two  
15 citizens who are neither judges nor attorneys.

16 (2) The commission shall investigate complaints,  
17 make rules implementing this section, and keep its proceed-  
18 ings confidential. It may subpoena witnesses and documents.

19 (3) Upon recommendation of the commission, the supreme  
20 court may:

21 (a) Retire any justice or judge for disability that  
22 seriously interferes with the performance of his duties and  
23 is or may become permanent; or

24 (b) Censure, suspend, or remove any justice or judge  
25 for willful misconduct in office, willful and persistent  
26 failure to perform his duties, or habitual intemperance.



ARTICLE VIII

REVENUE AND FINANCE

Section 1. TAX PURPOSES. Taxes shall be levied by general laws for public purposes.

Section 2. TAX POWER INALIENABLE. The power to tax shall never be surrendered, suspended, or contracted away.

Section 3. PROPERTY TAX ADMINISTRATION. The state shall appraise, assess, and equalize the valuation of all property which is to be taxed in the manner provided by law.

Section 4. EQUAL VALUATION. All taxing jurisdictions shall use the assessed valuation of property established by the state.

Section 5. PROPERTY TAX EXEMPTIONS. (1) The legislature may exempt from taxation:

(a) Property of the United States, the state, counties, cities, towns, school districts, municipal corporations, and public libraries, but any private interest in such property may be taxed separately.

(b) Institutions of purely public charity, hospitals and places of burial not used or held for private or corporate profit, places for actual religious worship, and property used exclusively for educational purposes.

(c) Any other classes of property.

(2) The legislature may authorize creation of special improvement districts for capital improvements and the maintenance thereof. It may authorize the assessment of charges for such improvements and maintenance against tax exempt property directly benefited thereby.

Section 6. HIGHWAY REVENUE NON-DIVERSION. (1) Revenue from gross vehicle weight fees and excise and license taxes

1 (except general sales and use taxes) on gasoline, fuel, and  
2 other energy sources used to propel vehicles on public high-  
3 ways shall be used as authorized by the legislature, after  
4 deduction of statutory refunds and adjustments, solely for:

5 (a) Payment of obligations incurred for construction,  
6 reconstruction, repair, operation, and maintenance of public  
7 highways, streets, roads, and bridges.

8 (b) Payment of county, city, and town obligations on  
9 streets, roads, and bridges.

10 (c) Enforcement of highway safety, driver education,  
11 tourist promotion, and administrative collection costs.

12 (2) Such revenue may be appropriated for other purposes  
13 by a three-fifths vote of the members of each house of the  
14 legislature.

15 Section 7. TAX APPEALS. The legislature shall provide  
16 independent appeal procedures for taxpayer grievances about  
17 appraisals, assessments, equalization, and taxes. The legis-  
18 lature shall include a review procedure at the local govern-  
19 ment unit level.

20 Section 8. STATE DEBT. No state debt shall be created  
21 unless authorized by a two-thirds vote of the members of each  
22 house of the legislature or a majority of the electors voting  
23 thereon. No state debt shall be created to cover deficits  
24 incurred because appropriations exceeded anticipated revenue.

25 Section 9. BALANCED BUDGET. Appropriations by the  
26 legislature shall not exceed anticipated revenue.

27 Section 10. LOCAL GOVERNMENT DEBT. The legislature  
28 shall by law limit debts of counties, cities, towns, and all  
29 other local governmental entities.

30 Section 11. USE OF LOAN PROCEEDS. All money borrowed

1 by or on behalf of the state or any county, city, town, or  
2 other local governmental entity shall be used only for pur-  
3 poses specified in the authorizing law.

4 Section 12. STRICT ACCOUNTABILITY. The legislature  
5 shall by law insure strict accountability of all revenue  
6 received and money spent by the state and counties, cities,  
7 towns, and all other local governmental entities.

8 Section 13. INVESTMENT OF PUBLIC FUNDS. (1) The  
9 legislature shall provide for a unified investment program  
10 for public funds and provide rules therefor, including  
11 supervision of investment of surplus funds of all counties,  
12 cities, towns, and other local governmental entities. Each  
13 fund forming a part of the unified investment program shall  
14 be separately identified. Except for monies contributed to  
15 retirement funds, no public funds shall be invested in pri-  
16 vate corporate capital stock. The investment program shall  
17 be audited at least annually and a report thereof submitted  
18 to the governor and legislature.

19 (2) The public school fund and the permanent funds of  
20 the Montana university system and all other state institu-  
21 tions of learning shall be safely and conservatively invested  
22 in:

23 (a) Public securities of the state, its subdivisions,  
24 local government units, and districts within the state, or

25 (b) Bonds of the United States or other securities  
26 fully guaranteed as to principal and interest by the United  
27 States, or

28 (c) Such other safe investments bearing a fixed rate of  
29 interest as may be provided by law.

30 Section 14. PROHIBITED PAYMENTS. Except for interest

1 on the public debt, no money shall be paid out of the  
2 treasury unless upon an appropriation made by law and a  
3 warrant drawn by the proper officer in pursuance thereof.  
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ARTICLE IX

ENVIRONMENT AND NATURAL RESOURCES

Section 1. PROTECTION AND IMPROVEMENT. (1) The state and each person shall maintain and improve a clean and healthful environment in Montana for present and future generations.

(2) The legislature shall provide for the administration and enforcement of this duty.

(3) The legislature shall provide adequate remedies for the protection of the environmental life support system from degradation and provide adequate remedies to prevent unreasonable depletion and degradation of natural resources.

Section 2. RECLAMATION. All lands disturbed by the taking of natural resources shall be reclaimed. The legislature shall provide effective requirements and standards for the reclamation of lands disturbed.

Section 3. WATER RIGHTS. (1) All existing rights to the use of any waters for any useful or beneficial purpose are hereby recognized and confirmed.

(2) The use of all water that is now or may hereafter be appropriated for sale, rent, distribution, or other beneficial use, the right of way over the lands of others for all ditches, drains, flumes, canals, and aqueducts necessarily used in connection therewith, and the sites for reservoirs necessary for collecting and storing water shall be held to be a public use.

(3) All surface, underground, flood, and atmospheric waters within the boundaries of the state are the property of the state for the use of its people and are subject to appropriation for beneficial uses as provided by law.

(4) The legislature shall provide for the administra-

1 tion, control, and regulation of water rights and shall  
2 establish a system of centralized records, in addition to  
3 the present system of local records.

4 Section 4. CULTURAL RESOURCES. The legislature shall  
5 provide for the identification, acquisition, restoration,  
6 enhancement, preservation, and administration of scenic,  
7 historic, archeologic, scientific, cultural, and recreational  
8 areas, sites, records and objects, and for their use and  
9 enjoyment by the people.  
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ARTICLE X

EDUCATION AND PUBLIC LANDS

Section 1. EDUCATIONAL GOALS AND DUTIES. (1) It is the goal of the people to establish a system of education which will develop the full educational potential of each person. Equality of educational opportunity is guaranteed to each person of the state.

(2) The state recognizes the distinct and unique cultural heritage of the American Indians and is committed in its educational goals to the preservation of their cultural integrity.

(3) The legislature shall provide a basic system of free quality public elementary and secondary schools. The legislature may provide such other educational institutions, public libraries, and educational programs as it deems desirable. It shall fund and distribute in an equitable manner to the school districts the state's share of the cost of the basic elementary and secondary school system.

Section 2. PUBLIC SCHOOL FUND. The public school fund of the state shall consist of: (1) Proceeds from the school lands which have been or may hereafter be granted by the United States,

(2) Lands granted in lieu thereof,

(3) Lands given or granted by any person or corporation under any law or grant of the United States,

(4) All other grants of land or money made from the United States for general educational purposes or without special purpose,

(5) All interests in estates that escheat to the state,

1 (6) All unclaimed shares and dividends of any corporation  
2 incorporated in the state,

3 (7) All other grants, gifts, devises or bequests made  
4 to the state for general educational purposes.

5 Section 3. PUBLIC SCHOOL FUND INVIOLEATE. The public  
6 school fund shall forever remain inviolate, guaranteed by  
7 the state against loss or diversion.

8 Section 4. BOARD OF LAND COMMISSIONERS. The governor,  
9 superintendent of public instruction, auditor, secretary of  
10 state, and attorney general constitute the board of land  
11 commissioners. It has the authority to direct, control, lease,  
12 exchange, and sell school lands and lands which have been or  
13 may be granted for the support and benefit of the various state  
14 educational institutions, under such regulations and restrictions  
15 as may be provided by law.

16 Section 5. PUBLIC SCHOOL FUND REVENUE. (1) Ninety-  
17 five percent of all the interest received on the public  
18 school fund and ninety-five percent of all rent received  
19 from the leasing of school lands and all other income from  
20 the public school fund shall be equitably apportioned  
21 annually to public elementary and secondary school districts  
22 as provided by law.

23 (2) The remaining five percent of all interest  
24 received on the public school fund, and the remaining  
25 five percent of all rent received from the leasing of  
26 school lands and all other income from the public school  
27 fund shall annually be added to the public school fund and  
28 become and forever remain an inseparable and inviolable part  
29 thereof.

30 Section 6. AID PROHIBITED TO SECTARIAN SCHOOLS. (1)



1 The legislature, counties, cities, towns, school districts,  
2 and public corporations shall not make any direct or indirect  
3 appropriation or payment from any public fund or monies, or  
4 any grant of lands or other property for any sectarian pur-  
5 pose or to aid any church, school, academy, seminary, college,  
6 university, or other literary or scientific institution,  
7 controlled in whole or in part by any church, sect, or  
8 denomination.

9 (2) This section shall not apply to funds from federal  
10 sources provided to the state for the express purpose of  
11 distribution to non-public education.

12 Section 7. NON-DISCRIMINATION IN EDUCATION. No  
13 religious or partisan test or qualification shall be  
14 required of any teacher or student as a condition of  
15 admission into any public educational institution. Atten-  
16 dance shall not be required at any religious service. No  
17 sectarian tenets shall be advocated in any public educational  
18 institution of the state. No person shall be refused admission  
19 to any public educational institution on account of sex,  
20 race, creed, religion, political beliefs, or national  
21 origin.

22 Section 8. SCHOOL DISTRICT TRUSTEES. The supervision  
23 and control of schools in each school district shall be  
24 vested in a board of trustees to be elected as provided by law.

25 Section 9. BOARDS OF EDUCATION. (1) There is a  
26 state board of education composed of the board of regents of  
27 higher education and the board of public education.  
28 It is responsible for long-range planning, and for coordinating  
29 and evaluating policies and programs for the state's educa-  
30 tional systems. It shall submit unified budget requests. A

1 tie vote at any meeting may be broken by the governor, who is  
2 an ex officio member of each component board.

3 (2) (a) The government and control of the Montana  
4 university system is vested in a board of regents of higher  
5 education which shall have full power, responsibility, and  
6 authority to supervise, coordinate, manage and control the  
7 Montana university system and shall supervise and coordinate  
8 other public educational institutions assigned by law.

9 (b) The board consists of seven members appointed by  
10 the governor, and confirmed by the senate, to overlapping  
11 terms, as provided by law. The governor and superintendent  
12 of public instruction are ex officio non-voting members of  
13 the board.

14 (c) The board shall appoint a commissioner of higher  
15 education and prescribe his term and duties.

16 (d) The funds and appropriations under the control of  
17 the board of regents are subject to the same audit provisions  
18 as are all other state funds.

19 (3) (a) There is a board of public education to  
20 exercise general supervision over the public school system  
21 and such other public educational institutions as may be  
22 assigned by law. Other duties of the board shall be  
23 provided by law.

24 (b) The board consists of seven members appointed by  
25 the governor, and confirmed by the senate, to overlapping  
26 terms as provided by law. The governor, commissioner of  
27 higher education and state superintendent of public instruction  
28 shall be ex officio non-voting members of the board.

29 Section 10. STATE UNIVERSITY FUNDS. The funds of  
30 the Montana university system and of all other state

1 institutions of learning, from whatever source accruing,  
2 shall forever remain inviolate and sacred to the purpose  
3 for which they were dedicated. The various funds shall be  
4 respectively invested under such regulations as may be  
5 provided by law, and shall be guaranteed by the state  
6 against loss or diversion. The interest from such invested  
7 funds, together with the rent from leased lands or properties,  
8 shall be devoted to the maintenance and perpetuation of the  
9 respective institutions.

10 Section 11. PUBLIC LAND TRUST, DISPOSITION. (1) All  
11 lands of the state that have been or may be granted by  
12 congress, or acquired by gift or grant or devise from any  
13 person or corporation, shall be public lands of the state.  
14 They shall be held in trust for the people, to be disposed  
15 of as hereafter provided, for the respective purposes for  
16 which they have been or may be granted, donated or devised.

17 (2) No such land or any estate or interest therein  
18 shall ever be disposed of except in pursuance of general  
19 laws providing for such disposition, or until the full  
20 market value of the estate or interest disposed of, to be  
21 ascertained in such manner as may be provided by law, has  
22 been paid or safely secured to the state.

23 (3) No land which the state holds by grant from the  
24 United States which prescribes the manner of disposal and  
25 minimum price shall be disposed of except in the manner and  
26 for at least the price prescribed without the consent of the  
27 United States.

28 (4) All public land shall be classified by the board  
29 of land commissioners in a manner provided by law. Any  
30 public land may be exchanged for other land, public or

1 private, which is equal in value and, as closely as  
2 possible, equal in area.

1 ARTICLE XI

2 LOCAL GOVERNMENT

3 Section 1. DEFINITION. The term "local government  
4 units" includes, but is not limited to, counties and  
5 incorporated cities and towns. Other local government  
6 units may be established by law.

7 Section 2. COUNTIES. The counties of the state are  
8 those that exist on the date of ratification of this con-  
9 stitution. No county boundary may be changed or county  
10 seat transferred until approved by a majority of those  
11 voting on the question in each county affected.

12 Section 3. FORMS OF GOVERNMENT. (1) The legislature  
13 shall provide methods for governing local government units  
14 and procedures for incorporating, classifying, merging,  
15 consolidating, and dissolving such units, and altering  
16 their boundaries. The legislature shall provide such optional  
17 or alternative forms of government that each unit or combina-  
18 tion of units may adopt, amend, or abandon an optional or  
19 alternative form by a majority of those voting on the  
20 question.

21 (2) One optional form of county government includes, but  
22 is not limited to, the election of three county commis-  
23 sioners, a clerk and recorder, a clerk of district court,  
24 a county attorney, a sheriff, a treasurer, a surveyor,  
25 a county superintendent of schools, an assessor, a coroner,  
26 and a public administrator. The terms, qualifications, duties,  
27 and compensation of those offices shall be provided by  
28 law. The Board of county commissioners may consolidate  
29 two or more such offices. The Boards of two or more  
30 counties may provide for a joint office and for the

1 election of one official to perform the duties of any  
2 such office in those counties.

3 Section 4. GENERAL POWERS. (1) A local government  
4 unit without self-government powers has the following  
5 general powers:

6 (a) An incorporated city or town has the powers of  
7 a municipal corporation and legislative, administrative,  
8 and other powers provided or implied by law.

9 (b) A county has legislative, administrative, and  
10 other powers provided or implied by law.

11 (c) Other local government units have powers pro-  
12 vided by law.

13 (2) The powers of incorporated cities and towns and  
14 counties shall be liberally construed.

15 Section 5. SELF-GOVERNMENT CHARTERS. (1) The legis-  
16 lature shall provide procedures permitting a local govern-  
17 ment unit or combination of units to frame, adopt, amend,  
18 revise, or abandon a self-government charter with the  
19 approval of a majority of those voting on the question.  
20 The procedures shall not require approval of a charter by  
21 a legislative body.

22 (2) If the legislature does not provide such pro-  
23 cedures by July 1, 1975, they may be established by election  
24 either:

25 (a) Initiated by petition in the local government unit  
26 or combination of units; or

27 (b) Called by the governing body of the local govern-  
28 ment unit or combination of units.

29 (3) Charter provisions establishing executive, legis-  
30 lative, and administrative structure and organization are

1 superior to statutory provisions.

2 Section 6. SELF-GOVERNMENT POWERS. A local government  
3 unit adopting a self-government charter may exercise any  
4 power not prohibited by this constitution, law, or charter.  
5 This grant of self-government powers may be extended to  
6 other local government units through optional forms of  
7 government provided for in section 3.

8 Section 7. INTERGOVERNMENTAL COOPERATION. (1) Unless  
9 prohibited by law or charter, a local government unit may

10 (a) cooperate in the exercise of any function, power,  
11 or responsibility with,

12 (b) share the services of any officer or facilities  
13 with,

14 (c) transfer or delegate any function, power, responsi-  
15 bility, or duty of any officer to

16 one or more other local government units, school districts,  
17 the state, or the United States.

18 (2) The qualified electors of a local government unit  
19 may, by initiative or referendum, require it to do so.

20 Section 8. INITIATIVE AND REFERENDUM. The legislature  
21 shall extend the initiative and referendum powers reserved to  
22 the people by the constitution to the qualified electors of  
23 each local government unit.

24 Section 9. VOTER REVIEW OF LOCAL GOVERNMENT. (1) The  
25 legislature shall, within four years of the ratification of  
26 this constitution, provide procedures requiring each local  
27 government unit or combination of units to review its  
28 structure and submit one alternative form of government  
29 to the qualified electors at the next general or special  
30 election.

1 (2) The legislature shall require a review  
2 procedure once every ten years after the first election.  
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ARTICLE XII

DEPARTMENTS AND INSTITUTIONS

Section 1. AGRICULTURE. (1) The legislature shall provide for a Department of Agriculture and enact laws and provide appropriations to protect, enhance, and develop all agriculture.

(2) Special levies may be made on livestock and on agricultural commodities for disease control and indemnification, predator control, and livestock and commodity inspection, protection, research, and promotion. Revenue derived shall be used solely for the purposes of the levies.

Section 2. LABOR. (1) The legislature shall provide for a Department of Labor and Industry, headed by a Commissioner appointed by the governor and confirmed by the senate.

(2) A maximum period of 8 hours is a regular day's work in all industries and employment except agriculture and stock raising. The legislature may change this maximum period to promote the general welfare.

Section 3. INSTITUTIONS AND ASSISTANCE. (1) The state shall establish and support institutions and facilities as the public good may require, including homes which may be necessary and desirable for the care of veterans.

(2) Persons committed to any such institutions shall retain all rights except those necessarily suspended as a condition of commitment. Suspended rights are restored upon termination of the state's responsibility.

(3) The legislature shall provide such economic assistance and social and rehabilitative services as may

1 be necessary for those inhabitants who, by reason of  
2 age, infirmities, or misfortune may have need for the  
3 aid of society.

1 ARTICLE XIII

2 GENERAL PROVISIONS

3 Section 1. NON-MUNICIPAL CORPORATIONS. (1) Cor-  
4 porate charters shall be granted, modified, or dissolved  
5 only pursuant to general law.

6 (2) The legislature shall provide protection and  
7 education for the people against harmful and unfair  
8 practices by either foreign or domestic corporations,  
9 individuals, or associations.

10 (3) The legislature shall pass no law retrospective  
11 in its operations which imposes on the people a new  
12 liability in respect to transactions or considerations  
13 already passed.

14 Section 2. CONSUMER COUNSEL. The legislature shall  
15 provide for an office of consumer counsel which shall have  
16 the duty of representing consumer interests in hearings  
17 before the public service commission or any other  
18 successor agency. The legislature shall provide for the  
19 funding of the office of consumer counsel by a special  
20 tax on the net income or gross revenues of regulated  
21 companies.

22 Section 3. SALARY COMMISSION. The legislature shall  
23 create a salary commission to recommend compensation for  
24 the judiciary and elected members of the legislative and  
25 executive branches.

26 Section 4. CODE OF ETHICS. The legislature shall  
27 provide a code of ethics prohibiting conflict between  
28 public duty and private interest for members of the  
29 legislature and all state and local officers and employees.

30 Section 5. EXEMPTION LAWS. The legislature shall

1 enact liberal homestead and exemption laws.

2 Section 6. PERPETUITIES. No perpetuities shall be  
3 allowed except for charitable purposes.  
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ARTICLE XIV

CONSTITUTIONAL REVISION

Section 1. CONSTITUTIONAL CONVENTION. The legislature, by an affirmative vote of two-thirds of all the members, whether one or more bodies, may at any time submit to the qualified electors the question of whether there shall be an unlimited convention to revise, alter, or amend this constitution.

Section 2. INITIATIVE FOR CONSTITUTIONAL CONVENTION.

(1) The people may by initiative petition direct the secretary of state to submit to the qualified electors the question of whether there shall be an unlimited convention to revise, alter, or amend this constitution. The petition shall be signed by at least ten percent of the qualified electors of the state. That number shall include at least ten percent of the qualified electors in each of two-fifths of the legislative districts.

(2) The secretary of state shall certify the filing of the petition in his office and cause the question to be submitted at the next general election.

Section 3. PERIODIC SUBMISSION. If the question of holding a convention is not otherwise submitted during any period of 20 years, it shall be submitted as provided by law at the general election in the twentieth year following the last submission.

Section 4. CALL OF CONVENTION. If a majority of those voting on the question answer in the affirmative, the legislature shall provide for the calling thereof at its next session. The number of delegates to the convention shall be the same as that of the larger body of the

1 legislature. The qualifications of delegates shall be the  
2 same as the highest qualifications required for election to  
3 the legislature. The legislature shall determine whether  
4 the delegates may be nominated on a partisan or a non-  
5 partisan basis. They shall be elected at the same places  
6 and in the same districts as are the members of the  
7 legislative body determining the number of delegates.

8 Section 5. CONVENTION EXPENSES. The legislature shall,  
9 in the act calling the convention, designate the day, hour,  
10 and place of its meeting, and fix and provide for the pay  
11 of its members and officers and the necessary expenses of  
12 the convention.

13 Section 6. OATH, VACANCIES. Before proceeding, the  
14 delegates shall take the oath provided in this constitution.  
15 Vacancies occurring shall be filled in the manner provided  
16 for filling vacancies in the legislature if not otherwise  
17 provided by law.

18 Section 7. CONVENTION DUTIES. The convention shall  
19 meet after the election of the delegates and prepare such  
20 revisions, alterations, or amendments to the constitution  
21 as may be deemed necessary. They shall be submitted to  
22 the qualified electors for ratification or rejection as a  
23 whole or in separate articles or amendments as determined  
24 by the convention at an election appointed by the convention  
25 for that purpose not less than two months after adjournment.  
26 Unless so submitted and approved by a majority of the  
27 electors voting thereon, no such revision, alteration,  
28 or amendment shall take effect.

29 Section 8. AMENDMENT BY LEGISLATIVE REFERENDUM.  
30 Amendments to this constitution may be proposed by any

1 member of the legislature. If adopted by an affirmative  
2 roll call vote of two-thirds of all the members thereof,  
3 whether one or more bodies, the proposed amendment shall  
4 be submitted to the qualified electors at the next general  
5 election. If approved by a majority of the electors voting  
6 thereon, the amendment shall become a part of this  
7 constitution on the first day of July after certification  
8 of the election returns unless the amendment provides  
9 otherwise.

10 Section 9. AMENDMENT BY INITIATIVE. (1) The people  
11 may also propose constitutional amendments by initiative.  
12 Petitions including the full text of the proposed amendment  
13 shall be signed by at least ten percent of the qualified  
14 electors of the state. That number shall include at  
15 least ten percent of the qualified electors in each of  
16 two-fifths of the legislative districts.

17 (2) The petitions shall be filed with the secretary  
18 of state. If the petitions are found to have  
19 been signed by the required number of electors, the secretary  
20 of state shall cause the amendment to be published as  
21 provided by law twice each month for two months previous  
22 to the next regular state-wide election.

23 (3) At that election, the proposed amendment shall  
24 be submitted to the qualified electors for approval or  
25 rejection. If approved by a majority voting thereon, it  
26 shall become a part of the constitution effective the  
27 first day of July following its approval, unless the  
28 amendment provides otherwise.

29 Section 10. PETITION SIGNERS. The number of  
30 qualified electors required for the filing of any petition

1 provided for in this Article shall be determined by the  
2 number of votes cast for the office of governor in the  
3 preceding general election.

4 Section 11. SUBMISSION. If more than one amendment  
5 is submitted at the same election, each shall be so pre-  
6 pared and distinguished that it can be voted upon separately.



## ADOPTION SCHEDULE

These Schedule provisions are part of this Constitution only for the limited purposes of determining whether this Constitution has been adopted, determining what changes result from the vote on each of the separately submitted issues, and establishing the general effective date of this Constitution. No provision of this Schedule shall be published unless it becomes part of the Constitution as the result of the adoption of a separately submitted provision.

Section 1. This Constitution, if approved by the electors as provided by the Constitution of 1889, shall take effect on July 1, 1973, except as otherwise provided in sections 1 and 2 of the Transition Schedule. The Constitution of 1889, as amended, shall thereafter be of no effect.

Section 2. (1) If separate issue 2A concerning the unicameral form of the legislature is approved by the electors and if the proposed Constitution is approved by the electors, then:

(a) There shall be deleted from ARTICLE V, THE LEGISLATURE, that portion which concerns the bicameral form.

(b) The words "of each house" are deleted from subsection (2) of section 6 and from section 8, ARTICLE VIII, REVENUE AND FINANCE.

(c) The word "legislature" is substituted for "senate" in subsections (1), (2), and (4) of section 8, ARTICLE VI, THE EXECUTIVE, and in subsections (1) and (2) of section 8, ARTICLE VII, THE JUDICIARY.

(2) If separate issue 2B concerning the bicameral form of the legislature is approved by the electors and if the

proposed Constitution is approved by the electors, then there shall be deleted from ARTICLE V, THE LEGISLATURE, that portion which concerns the unicameral form.

Section 3. If separate issue 3A is approved by the electors and if the proposed Constitution is approved by the electors, then there shall be added to section 28, ARTICLE II, DECLARATION OF RIGHTS, the following sentence: "Death shall not be prescribed as a penalty for any crime against the state." And there shall be deleted from section 21 of the same ARTICLE the following: ", except for capital offenses, when the proof is evident or the presumption great"

Section 4. (1) If separate issue 4A is approved by the electors and if the proposed Constitution is approved by the electors, then there shall be deleted from ARTICLE III, GENERAL GOVERNMENT: "Section 10. GAMBLING. All forms of gambling, lotteries, and gift enterprises are prohibited."

(2) If separate issue 4B is approved by the electors and if the proposed Constitution is approved by the electors, then there shall be deleted from ARTICLE III, GENERAL GOVERNMENT: "Section 10. GAMBLING. All forms of gambling, lotteries, and gift enterprises are prohibited unless authorized by acts of the legislature or by the people through initiative or referendum."

## TRANSITION SCHEDULE

The following provisions shall remain part of this Constitution until their terms have been executed. Once each year the attorney general shall review the following provisions and certify to the secretary of state which, if any, have been executed. Any provisions so certified shall thereafter be removed from this Schedule and no longer published as part of this Constitution.

Section 1. Accelerated Effective Date

Section 2. Delayed Effective Date

Section 3. Prospective Operation of Declaration of Rights

Section 4. Terms of Judiciary

Section 5. Terms of Legislators

Section 6. General Transition

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Section 1. ACCELERATED EFFECTIVE DATE. Section 14

(DISTRICTING AND APPORTIONMENT) of Article V, THE LEGISLATURE, shall be effective January 1, 1973.

Section 2. DELAYED EFFECTIVE DATE. The provisions of sections 1, 2, and 3 of ARTICLE V, LEGISLATURE, shall not become effective until the date the first redistricting and reapportionment plan becomes law.

Section 3. PROSPECTIVE OPERATION OF DECLARATION OF RIGHTS. Any rights, procedural or substantive, created for the first time by Article II shall be prospective and not retroactive.

Section 4. TERMS OF JUDICIARY. Supreme court justices, district court judges, and justices of the peace holding office when this Constitution becomes effective shall serve the terms for which they were elected or appointed.

Section 5. TERMS OF LEGISLATORS. (1) The terms of all

legislature elected before the effective date of this Constitution shall end on December 31 of the year in which the first redistricting and reapportionment plan becomes law.

(2) The senators first elected under this Constitution shall draw lots to establish a term of two years for one-half of their number.

Section 6. GENERAL TRANSITION. (1) The rights and duties of all public bodies shall remain as if this Constitution had not been adopted with the exception of such changes as are contained in this Constitution. All laws, ordinances, regulations, and rules of court not contrary to, or inconsistent with, the provisions of this Constitution shall remain in force, until they shall expire by their own limitation or shall be altered or repealed pursuant to this Constitution.

(2) The validity of all public and private bonds, debts, and contracts, and of all suits, actions, and rights of action, shall continue as if no change had taken place.

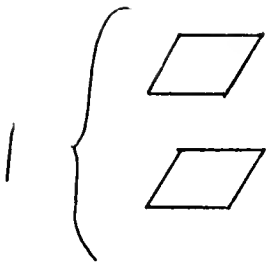
(3) All officers filling any office by election or appointment shall continue the duties thereof, until their offices shall have been abolished or their successors selected and qualified in accordance with this Constitution or laws enacted pursuant thereto.

OFFICIAL BALLOT

Instructions to voters: Place an "X" in the boxes which express your preferences. The full text of the proposed Constitution and the separate propositions is available for inspection at your polling place.

YOU SHOULD VOTE 4 TIMES

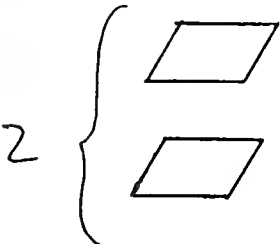
(Vote for one)



For the proposed Constitution.

Against the proposed Constitution.

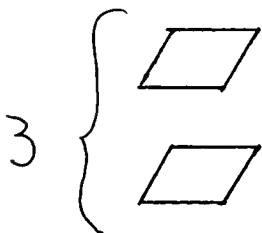
(Vote for one)



2A. For a unicameral legislature (1 house).

2B. For a bicameral legislature (2 houses).

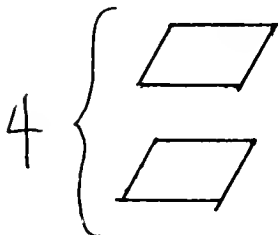
(Vote for one)



3A. For abolishing the death penalty.

3B. Against abolishing the death penalty.

(Vote for one)



4A. For allowing the legislature or the people to authorize gambling.

4B. Against allowing the legislature or the people to authorize gambling.





